



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

September 30, 2021

Mrs. Denise Cattoni
Data Capture Manager
P.O. Box 970999
Boca Raton, FL 33497

Re: *Freedom of Information Act Request No. FOIA-2021-00277*

Dear Mrs. Cattoni:

This is in response to your electronic message dated and received by the Board's Information Disclosure Section on August 25, 2021. Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, you request the following information:

any and all active employees salaries (fiscal or calendar) 2020 for the Federal Reserve of the United States, broken down by employee, in electronic format and emailed. Each employee record should contain the employer name, employer zip code, year of compensation, first name, middle initial, last name, hire date (mm-dd-yyyy), base salary amount, bonus amount, overtime amount, gross annual wages and position title.

Staff searched Board records and located documents responsive to your request. We will provide you with a list containing the name, division, job title, and base salary for the highest earning employees at the Board (those who receive an annual base salary of \$225,000 or above) for 2020.¹ We will also provide you with a chart that shows the salary ranges by grade level for officers and non-officers for the same time period. Information relating to salaries of the Board members is publicly available on the Board's website,² and the Board makes public the aggregate amount of money budgeted for

¹ Given that you request salary information for "(fiscal or calendar) 2020," the list containing salary information is "as of" January 1, 2020, and as a general matter, reflects salaries in effect for calendar year 2020. Please be advised that the employees included on the list are not eligible for overtime.

² http://www.federalreserve.gov/faqs/about_12591.htm.

employee salaries.³ Also, be advised that, with few exceptions, Board staff are assigned to work at one of the Board's offices in Washington, D.C.

In general, with respect to requests for personal information such as this one, the agency's burden to justify withholding such information is reduced as compared to other types of information.⁴ The privacy interest is weighed against the public interest, keeping in mind that the underlying purpose behind the FOIA is to shed light on agency action and the performance of its statutory duties.⁵ The burden of establishing that disclosure of personal information serves the public interest rests with the requester.⁶ Although you assert that the purpose of your request is "to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public," you have not established why releasing the remaining information you seek would shed light on the Board's performance of its statutory duties.

Releasing the names and specific salary information for all employees would not shed any further light on the Board's performance of its statutory duties. Therefore, name and specific salary information, including overtime and position titles, for all employees earning less than \$225,000 will be withheld under exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).⁷ Similarly, releasing gross wages and hire dates for all employees would not shed any further light on the Board's performance of its statutory duties, and accordingly, this information will also be withheld under exemption 6, 5 U.S.C. § 552(b)(6). Additionally, the names and specific salary information for criminal investigators in the Office of Inspector General, law enforcement officers, and agents in the Chair's protection unit are also being withheld pursuant to exemption 7(C), 5 U.S.C. § 552(b)(7)(C).⁸ I have also determined that the information should be withheld because

³ <http://www.federalreserve.gov/publications/annual-report.htm>.

⁴ See *Island Film v. Dep't of Treasury*, 869 F. Supp. 2d 123, 135 (D.D.C. 2012) ("The government's burden to justify withholding personal identifying information is reduced as compared to other types of information.").

⁵ See *Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773; see also *Smith v. Dep't of Labor*, 798 F. Supp. 2d 274, 284 (D.D.C. 2011) ("Federal civilian employees also have a protectable privacy interest in purely personal details that do not shed light on agency functions.").

⁶ See *Associated Press v. Dep't of Justice*, 549 F.3d 62, 66 (2d Cir. 2008) ("The requesting party bears the burden of establishing that disclosure of personal information would serve a public interest cognizable under FOIA.").

⁷ You may access information about position descriptions on the Board's website at the following link: <https://www.federalreserve.gov/careers-jobs-by-category.htm>.

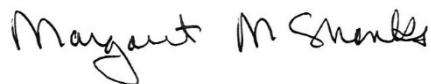
⁸ See *Long v. Office of Personnel Mgmt.*, 692 F.3d 185, 192 (2d Cir. 2012) ("[F]ederal employees in both the sensitive agencies and the sensitive occupations have a cognizable privacy interest in

it is reasonably foreseeable that disclosure would harm an interest protected by an exemption described in subsection (b) of the FOIA, 5 U.S.C. § 552(b).

Further, to the extent your request seeks information related to bonuses, information about individual bonuses will be withheld because, within the Board's compensation system, bonuses are merit-based. Information about bonuses that would allow for the comparison of one employee's bonus to another employee's bonus would reveal (or appear to reveal) information about each employee's work performance appraisal and, therefore, may be properly withheld pursuant to exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).⁹ Please be advised that Board members do not receive bonuses.

Your request for information, therefore, is granted in part and denied in part for the reasons stated above. If you believe that you have a legal right to any information that is being withheld, you may administratively appeal by writing to Office of the Secretary, Board of Governors of the Federal Reserve System, Attn: FOIA Appeals, 20th Street & Constitution Avenue NW, Washington, DC 20551; by facsimile to 202-872-7565; or electronically to FOIA-Appeals@frb.gov or <https://foia.federalreserve.gov/app/Home.aspx>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.¹⁰

Very truly yours,



Margaret McCloskey Shanks
Deputy Secretary of the Board

keeping their names from being disclosed wholesale.”). Sensitive occupations include law enforcement personnel and criminal investigators.

⁹ See, e.g., *Long v. OPM*, No. 05-1522, 2010 WL 681321, at *18 (N.D.N.Y. Feb. 23, 2010) (concluding that “employees’ interest in keeping performance based awards, or the lack thereof, private outweighs any public interest in disclosure of this information”).

¹⁰ As an alternative to an administrative appeal, you may contact the Board's FOIA Public Liaison, Ms. Candace Ambrose, at 202-452-3684 for further assistance. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770 or toll free at 1-877-684-6448; or facsimile at 202-741-5769.